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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,649

10/27/2003

Guy de Warrenne Bruce Adams

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11/29/2005

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EXAMINER

CAPUTO, LISA M

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,649

Applicant(s)

ADAMS, GUY DE WARRENNE
BRUCE

Examiner

Lisa M. Caputo

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 9-22, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed 14 September 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (U.S. Patent Application Publication No. 2004/0165219).

Chen teaches a method for maintaining uniform spatial frequency over a dataglyph block. Regarding claims 1 and 23-25, Chen teaches a method of creating a visually significant image (image 1100) using information encoding glyphs (diamonds 320) and an alphabet of glyphs, each glyph having a specified optical intensity and each glyph being adapted to encode information by the shape of the glyph (i.e. diamond shape 330), the method including the step of selecting and positioning the information encoding glyphs so that the bulk optical properties of an aggregate of the glyphs create the visually significant image, wherein the glyph shape defines both the optical intensity and the encoding, and hence also teaches an article incorporating visually significant information and an encoded surface having an array of glyphs applied thereon as stated

above. Further regarding claim 5, Chen teaches that each glyph is uniquely optically identifiable and has a bulk optical property, and that a subset of glyphs are arranged on a page so that in any given area, the bulk optical properties of an aggregate of the plurality of glyphs forms a visually significant image or image portion (i.e. the artifacts formed by four-stroke diamonds in image 1100 are noticeable throughout the figure, but are particularly prominent at the model's right eye, which is an image portion) (see Figures 3-4, 11, paragraphs 35-36, 43).

Regarding claims 2-4 and 6-8, Chen teaches that there is an alphabet of glyphs (i.e. the different configurations of diamonds with clustered dots), that information is encoded by symmetry and shape properties of glyphs (i.e. the symmetrical diamond shape), and that the plurality of glyphs forms a background glyph carpet (i.e. glyph pattern block 340) (see Figures 3-4, 11, paragraphs 35-36, 43).

Allowable Subject Matter

3. Claims 9-22 and 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record, Chen, fails to specifically teach the limitations of the dependent claims 9-22 and 26-27. For example, regarding claim 13, the best prior art of record fails to teach that the visually significant image incorporates an optical DC offset or greyscale shrinkage, where the minimum optical intensity of the specified portion of the visually significant image is sufficiently low as to reduce the encoding

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possibilities below a specified useful value, whereby the encoding space in said specified portion is increased.

Response to Arguments

5. Applicant's arguments filed 14 September 2005 have been fully considered but they are not persuasive.

6. In response to applicant's arguments that the best prior art of Chen fails to teach that the shape of the glyph defines the optical intensity of the glyph, examiner respectfully disagrees and submits that Chen teaches that the shape of the glyph defines the optical density when it is taught that the shapes of the glyphs differ (i.e. different shapes lead to different optical intensities and densities as known in the art).

In response to applicant's arguments that Chen does not teach that the glyphs have different bulk optical properties, examiner respectfully disagrees and submits that the glyphs do have different bulk optical properties since their different shapes allow for different optical intensities, hence when they are bulked together, the properties are different.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (703) 872-9306.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [lisa.caputo@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LMC

November 27, 2005


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800